

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DWAYNE J. SCOTT and DERELL J.  
MEYNARD, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET GROUP, INC.

Defendant.

Case No. 2:18-cv-00086-SJF-AKT

**NOTICE OF DEFENDANT WHOLE FOODS MARKET  
GROUP, INC.'S MOTION FOR JUDGMENT ON THE PLEADINGS**

**PLEASE TAKE NOTICE**, that on a date and time to be set by the Court, Defendant Whole Foods Market Group, Inc. (“Defendant” or “Whole Foods”), by and through its attorneys, Hunton Andrews Kurth LLP, will move this Court to issue judgement on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, as the Plaintiffs have failed to set forth sufficient facts to establish a plausible claim under the New York Labor Laws that entitles them to relief and, therefore, the Complaint should be dismissed with prejudice. Whole Foods will also request that this Court order Plaintiffs’ counsel to show cause under Rule 11(b) as to why sanctions should not be ordered against the Plaintiffs given the nature of Plaintiffs’ misrepresentations and omissions before the Court.

In support of its Motion, Whole Foods shall rely upon the Memorandum of Law served herewith. Oral argument is respectfully requested in the event this Motion is opposed.

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DEFENDANT WHOLE FOODS MARKET  
GROUP, INC.

By: /s/ Christopher M. Pardo  
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Dated: September 9, 2019

**CERTIFICATE OF SERVICE**

I, Christopher M. Pardo, counsel for Defendant Whole Foods Market Group, Inc., hereby certify that on September 9, 2019, the foregoing document was served by electronic mail only (per the agreement of the parties) upon counsel for Plaintiffs as follows:

Steven John Moser, Esq.  
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/s/ Christopher M. Pardo  
Christopher M. Pardo